

REMARKS

Claims 1-3 and 5 have been amended. Claims 1-7 are now pending for the Examiner's consideration.

Applicants respectfully request reconsideration and withdrawal of the outstanding objections and rejections, in light of the foregoing amendments and following remarks.

Claims 1-3 and 5 have been amended to comport with the restriction requirement and to address the claim objections regarding the word "halo". No new matter is added.

Claim Objections

Claims 2, 3 and 5 were objected to because of an inconsistency of the use of the word "halogen" in claim 1 and "halo" in claims 2, 3, and 5. Although these words have the same meaning to one of skill in the art and one of skill in the art would readily appreciate their meaning, the Applicants have amended the claims as suggested by the Examiner, and respectfully request that the objections be withdrawn.

Restriction Requirement

The Examiner has required an election of species in the present application. The Applicants elect to traverse the species of 5-bromo-3-[5-(2-morpholin-4-yl-ethoxy)-1H-indol-2-ylmethylene]-1,3-dihydro-indol-2-one ("IN-008" in Table 1; also, Claim 7, Example 8).

The Applicants traverse the restriction of the claims on the grounds that all of the compounds of the present claims have the same indolinone core structure and would therefore pose no undue burden on the Examiner to search and examine the entire breadth of the claims as originally presented.

Double Patenting

A non-statutory double patenting rejection of claims 1-7 has been made by the Examiner. Without acquiescence to the propriety of the rejection, the Applicants submit herewith a Terminal Disclaimer against U.S. patent no. 6,506,763 and U.S. patent no. 6,861,418.

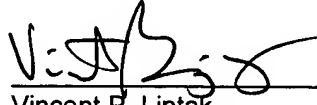
Conclusion

Applicants believe all claims are in condition for allowance. Early Notice of Allowance is respectfully requested. Should there be any issues that have not been addressed to the Examiner's satisfaction, Applicants invite the Examiner to contact the undersigned attorney.

If any fees other than those submitted herewith are due in connection with this response, including the fee for any required extension of time (for which Applicants hereby petition), please charge such fees to Deposit Account No. 500329.

Respectfully submitted,

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